



U.S. Department of Justice
United States Attorney
Southern District of New York

MEMO ENDORSED

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

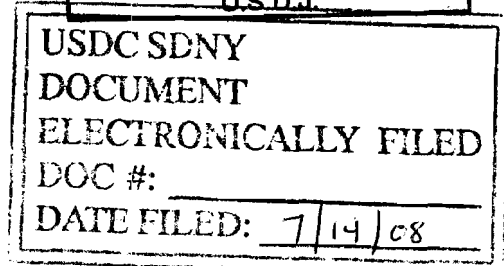
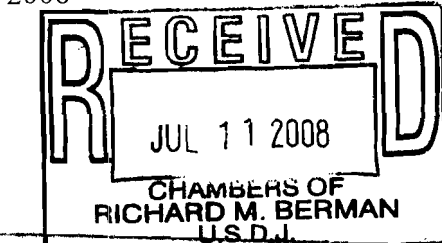
July 11, 2008

BY HAND

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street, Room 650
New York, New York 10007

Re: United States v. Judith Leekin,
08 Cr. 446 (RMB)

Dear Judge Berman:



The Government respectfully writes in response to the Court's order of today. In the Order, the Court advised the parties that it is considering imposing a sentence greater than the range of 78 to 97 months' imprisonment set forth in the plea agreement. The Court has invited responses from the parties.

The Court is permitted to impose a sentence in excess of the stipulated range set forth in the plea agreement. In addition, the Sentencing Guidelines are only advisory and are not binding on the Court. Accordingly, the Court is free to impose a sentence above the recommended Sentencing Guidelines range. The Government stands by its plea agreement, and respectfully submits that a sentence within the stipulated Guidelines range of 78 to 97 months' imprisonment is a reasonable sentence in this case.

In addition, at the Court's request, the Government respectfully submits a copy of the Information submitted in the defendant's Florida case.

The Court will consider this
submission in connection
with the sentencing on 7/15/08.

SO ORDERED:

Date: 7/17/08

Richard M. Berman
Richard M. Berman, U.S.D.J.

cc. Diamond Entry, Esq. Mark V. Hartman, Esq. (by fax)
John Walsh, Esq. (by fax)

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: Alexander J. Willscher
Alexander J. Willscher
Assistant United States Attorney
Tel: (212) 637-2736
Fax: (212) 637-2452

Renee Marquis, Esq. (by fax)
Joseph Cardieri, Esq. (by fax)
John F. Stupp, Esq. (by fax)

CONSOLIDATION IN REFERENCE TO CASE NO. 562007CF3311 AND CASE NO. 562007CF3468
IN THE CIRCUIT COURT for the Nineteenth Judicial Circuit of the State of Florida,
for St. Lucie County

STATE OF FLORIDA)

-VS-)

) Case No.562007CF3270

(A) Judith Leekin)
DOB: April 25, 1945)
RACE/SEX: White / Female)
SSN: 071845527)

Defendant(s))

INFORMATION

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

BE IT REMEMBERED that BRUCE H. COLTON, State Attorney for the Nineteenth Judicial Circuit of the State of Florida, prosecuting for the State of Florida, in St. Lucie County, under oath, information makes that in St. Lucie County on or about:

A. Ct. 1. AGGRAVATED CHILD ABUSE

July 6, 2007 - July 11, 2007 Judith Leekin did willfully torture, maliciously punish or willfully and unlawfully cage T.W., a child under the age of 18 years, or did knowingly or willfully abuse said child and in so doing caused great bodily harm, permanent disability or permanent disfigurement to said child, in violation of Florida Statute 827.03;(2);

A. Ct. 2. AGGRAVATED CHILD ABUSE

July 6, 2007 - July 11, 2007 Judith Leekin did willfully torture, maliciously punish or willfully and unlawfully cage J.G., a child under the age of 18 years, or did knowingly or willfully abuse said child and in so doing caused great bodily harm, permanent disability or permanent disfigurement to said child, in violation of Florida Statute 827.03;(2);

A. Ct. 3. AGGRAVATED CHILD ABUSE

July 6, 2007 - July 11, 2007 Judith Leekin did willfully torture, maliciously punish or willfully and unlawfully cage T.G., a child under the age of 18 years, or did knowingly or willfully abuse said child and in so doing caused great bodily harm, permanent disability or permanent disfigurement to said child, in violation of Florida Statute 827.03;(2);

A. Ct. 4. AGGRAVATED CHILD ABUSE

July 6, 2007 - July 11, 2007 Judith Leekin did willfully torture, maliciously punish or willfully and unlawfully cage R.W., a child under the age of 18 years, or did knowingly or willfully abuse said child and in so doing caused great bodily harm, permanent disability or permanent disfigurement to said child, in violation of Florida Statute 827.03;(2);

A. Ct. 5. TAMPERING WITH WITNESS

July 6, 2007 - July 11, 2007 Judith Leekin did knowingly use intimidation or physical force, or threaten another person, or attempt to do so, or engage in misleading conduct toward another person, or offer pecuniary benefit or gain to another person, with intent to cause or induce T.W./ J.G./ T.G. and R.W. to withhold testimony, or withhold a record, document or other object, from an official investigation or official proceeding, and/or hinder, delay, or prevent the communication to a law enforcement officer or judge of information relating to the commission of or possible commission of an offense or a violation of a condition of probation, parole, or release pending a judicial proceeding, and/or testify untruthfully in an official investigation or an official proceeding, in violation of Florida Statute 914.22(1);

A. Ct. 6. POSSESSION OF FICTITIOUS DRIVERS LICENSE/ID CARD (FEL)

July 6, 2007 - July 11, 2007 Judith Leekin did unlawfully and knowingly possess or display a blank, forged, stolen, fictitious, counterfeit or unlawfully issued driver's license or identification card, or any instrument in the similitude of a driver's license or identification card, in violation of Florida Statute 322.212(1)(a);

A. Ct. 7. AGGRAVATED ELDERLY OR DISABLED ADULT ABUSE

July 6, 2007 - July 11, 2007 Judith Leekin did willfully torture, maliciously punish, or willfully and unlawfully cage an elderly person or a disabled adult, to wit: Jonathan Graham, in violation of Florida Statute 825.102(2);

A. Ct. 8. AGGRAVATED ELDERLY OR DISABLED ADULT ABUSE

July 6, 2007 - July 11, 2007 Judith Leekin did willfully torture, maliciously punish, or willfully and unlawfully cage an elderly person or a disabled adult, to wit: Lala Graham, in violation of Florida Statute 825.102(2);

A. Ct. 9. AGGRAVATED ELDERLY OR DISABLED ADULT ABUSE

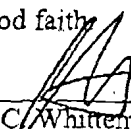
July 6, 2007 - July 11, 2007 Judith Leekin did willfully torture, maliciously punish, or willfully and unlawfully cage an elderly person or a disabled adult, to wit: Stephen Wells, in violation of Florida Statute 825.102(2);

A. Ct. 10. AGGRAVATED ELDERLY OR DISABLED ADULT ABUSE

July 6, 2007 - July 11, 2007 Judith Leekin did willfully torture, maliciously punish, or willfully and unlawfully cage an elderly person or a disabled adult, to wit: Shawn Wells, in violation of Florida Statute 825.102(2);

contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Florida.

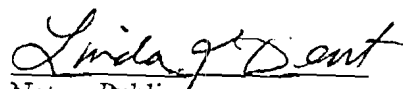
I do hereby state that I am instituting this prosecution in good faith.


Ajay C. Whittemore
Assistant State Attorney for the
Nineteenth Judicial Circuit of
Florida, prosecuting for said State
Fla. Bar No. 0016288

STATE OF FLORIDA
County of St. Lucie

Personally appeared before me Ajay C. Whittemore, Assistant State Attorney for the Nineteenth Judicial Circuit of the State of Florida, who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to by the material witnesses as true and which, if true, would constitute the offense(es) therein charged.

The foregoing instrument was acknowledged before me on this 31 day of July, 2007 by Ajay C. Whittemore, who is personally known to me and who did take an oath.


Notary Public



LINDA J. DENT
Commission DD 648866
Expires March 8, 2011
Renewed Thru Troy Fish Insurance 800-365-7719